IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

Civil Application No.1991 of 2005.
IN
Second Appeal (St) No.23607 of 2005.

Gorakh Hari Dhole. .. ..Applicant/
Appellant.

Vs.

Bai Shankar Dhole
and Ors. .. ..Respondents.

Shri.Manoj Chatge h/f S.D. Dharmadhikari
for the Applicant.

Shri.A.B.Avhad for Respondents.

CORAM: S.B.DESHMUKH,J.
DATED: 22ND AUGUST,2006.

P.C.:-

1] Heard the learned Counsel for the Applicant. None appears for the Respondent despite service.

2] The Judgment and decree passed in R.C.A.No.97 of 2001 is dated 18th March,2005. After decision of Regular Civil Appeal, the Applicant had applied for certified copy and it was ready for delivery on 24th June,2005. The Applicant has set up two grounds for condonation of delay. First that the Applicant is illiterate person. Secondly, the

Applicant has undergone surgery of his eyes. The Applicant, thereafter, has obtained certified copies and filed this Appeal. During this process delay of about 31 days is occurred.

3] There is no reply filed on behalf of the Respondents. The statement made by the Applicant in para no.2, therefore, remained uncontroverted. Delay is properly explained and bona-fide. In this view of the matter, Civil Application is allowed. Delay of 31 days in filing Second Appeal in this Court is condoned.

4] Civil Application is accordingly allowed and disposed of.

5] Second Appeal (St) No.23607/05 be listed for Admission after two weeks.

[S.B.DESHMUKH,J.]